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## “Standard” Issue: Public Discourse, *Ayers v. Fordice*, and the Dilemma of the Basic Writer

Joyce Olewski Inman

**T**he ongoing debate regarding the role of developmental course work in higher education seems once again to be at the forefront of academic and public conversations pertaining to our expectations for a university education. This discussion is certainly not new; indeed, very few aspects of the argument regarding the merits of developmental programming have changed in the past forty years. However, several new initiatives involving college readiness have further complicated an already fraught discussion of how to serve students deemed underprepared. The impending rollout of the new Common Core State Standards Initiative in elementary and secondary schools and conservative political appeals for students to complete college more efficiently from organizations such as Complete College America place considerable import on standards-driven, efficient models of success in education. Indeed, the effects of these conversations extend so far beyond the classroom that many of the important decisions regarding the education of students considered to be in need of additional attention are being made by professionals who have little to no experience with communities of developmental writers. Moreover, the stakeholders in these debates—state policymakers, university administrators, writing instructors, community members, and students—use standards-based metaphorical epistemologies to determine our responsibilities to basic writing students. Such epistemologies, I suggest, ultimately lead to a privileging of conservative beliefs regarding educational priorities.

In his seminal discussion concerning remediation and “the myth of transience,” Mike Rose cogently articulates the relationship between institutional rhetoric regarding remediation and perceptions of remediation and standards by students and

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community members. He argues that the idea that remediation is temporary, that it can be implemented in a time of literacy crisis and then be shelved, is “ultimately a conservative gesture, a way of preserving administrative and curricular status quo” (“The Language” 357). According to Rose, institutional rhetoric concerning remediation involves a hegemonic denial of the political nature of basic writing, and some more recent studies, such as those conducted by Mary Soliday, Tom Fox, Kelly Ritter, and Jane Stanley, provide similar insights into how local institutions and their surrounding communities define students deemed underprepared in problematic and uncritical ways.

These institutional narratives provide us with important insights into how various universities have acknowledged (or not) students who are considered underprepared by taking into consideration local, institutional values. In this article, I conduct a similar inquiry regarding a regional, research-extensive university in the state of Mississippi, through an examination of how public responses to legal policies concerning minority access to higher education reveal an explicit ghettoization of students who are considered “basic writers.” I begin my exploration of the importance of the relationship between legal and institutional policies, public discourse, and basic writing programming by exploring public responses to the legislation enacted by *Ayers v. Fordice*, one of the most prominent desegregation cases in the history of higher education. Despite the case’s significance to battles over desegregation, very little scholarship exists on *Ayers v. Fordice*, and there is no scholarship addressing the final settlement’s impact on the basic writing classroom. And although examination of the legal discourse comprising *Ayers* is beyond the scope of this project, I hope to initiate a conversation regarding how media and community responses to such legal discourse frame writing programming at the local level. Indeed, basic writing programming in the state of Mississippi emerged in part out of *Ayers v. Fordice*, so when we consider the discourse in and surrounding the case, we are ultimately talking about basic writing programming and access. My research examines the effects of these responses on marginalized students in what one might easily characterize as the most marginalized state in our nation. Mississippi’s history with basic writing is unique in some respects, and I believe it is important to add this contribution to the chorus of institutional histories documenting the role that writing plays in local, contextual situations; however, I also believe, like many of my colleagues, that a critical examination of the local ways in which students are affected by public discourse targeting standards of education will compel further and productive exploration of how educators respond to state and institutional guidelines regarding access and education more globally.

Public discourse responding to court cases such as *Ayers*—interviews, news articles, cartoons, letters to editors, and opinion columns in national and state news outlets, as well as political correspondence—limits, I argue, how we think about and

discuss basic writing programs and the subject positions available to basic writers. As educators, we must heed such reactive texts and “take seriously the ordinary documents and local news that describe us and our students, rather than dismissing them as just university politics or local news” (Stygall 20). We must address the impact of legal, public, and political discourse both on the subject positions available to students and on priorities in the arena of higher education, because such discourses combine in ways that often privilege specific cultural identities over others. It is my contention that an examination of the standards-based language in these everyday documents will provide insight into the public’s varied perceptions of the *Ayers* case, the ideological consequences of such legislation, and, finally, the role of basic writing in higher education.

#### AYERS V. FORDICE: A CASE STUDY

In his discussion of the bases for open admissions policies at the City University of New York (CUNY), Tom Fox claims that a “commitment to ‘ethnic integration’ strikes me as freshly optimistic, courageously aware of the role that higher education could play in the lives of people of color in this country.” Fox goes on to claim that while such a goal “may strike us as wildly optimistic, [it] nonetheless imagined the university in a social, historical, and political context; it recognized historical racism and its effects and sought to intervene in the historical sense” (41). I would like to think that the goals of the *Ayers* case were, as Fox suggests, “wildly optimistic,” that they were devoted to strengthening our commitment to educating students in the state of Mississippi. Though I will return to this issue in the text that follows, one thing is clear: this goal involving intervention in Mississippi’s education system collided with the beliefs of many of the state’s citizens about the importance of standards—standards associated with white mainstream beliefs regarding the priorities of higher education.

To explore these issues, I begin with as brief an overview of this case as I can provide, given its long and complex history.<sup>1</sup> *Ayers v. Fordice* was filed in 1975 by Jake Ayers, and on September 17, 1975, a plaintiff class was certified and defined as the following:

All black citizens residing in Mississippi, whether students, former students, parents, employees, or taxpayers, who have been, are or will be discriminated against on account of race in receiving equal educational opportunity and/or equal employment opportunities in the universities operated by said Board of Trustees. (*Ayers v. Allain* GC75-9-NB)

For over a decade, there were unsuccessful attempts at settlement. Finally, on April 27, 1987, a trial commenced in the US District Court for the Northern District of

Mississippi. On December 10, 1987, District Judge Neal Biggers dismissed the case, finding and ruling that the state had lived up to its responsibilities to desegregate the state's higher education institutions in good faith. The case went to the US Court of Appeals for the Fifth Circuit, where it was reversed and remanded. On rehearing *en banc*,<sup>2</sup> the Court of Appeals vacated the panel opinion and reinstated the district court's findings and conclusions. The US Supreme Court granted *certiorari*<sup>3</sup> in 1991, and, finding four aspects of Mississippi's higher education system to be constitutionally suspect, it reversed and remanded to the district court in 1992. In addition, the Supreme Court ruled that the district court did not apply the correct legal standard in its rulings, and that the "correct inquiry asks whether existing racial identifiability is attributable to the state [. . .] and examines a wide range of factors to determine whether the state has perpetuated its former segregation in any facet of its system."<sup>4</sup> Under the auspices of Judge Biggers once again, the state proposed modifications in light of the Supreme Court's order in 1992. After two years of fruitless negotiations, another trial was set for May 1994. The state was ordered on March 7, 1995, by the district court to implement various policies and procedures in light of the Supreme Court ruling and in an attempt to reach a final settlement regarding the specifics of the complaint.<sup>5</sup> The final settlement was not reached until 2001—over twenty-five years after the case was filed.

If nothing else, this brief history outlines the lengthy legal battle involved in the *Ayers* suit and settlement. The *Ayers* case and resulting legislation influenced higher education in Mississippi in numerous ways: the cultural, political, and educational roles of historically black colleges and universities (HBCUs); the state's fiscal responsibilities to each of its institutions; the role these institutions play in ensuring access; the revised admissions standards that purportedly allow both access and retention; and the responsibilities of higher education institutions regarding remedial education. And although the majority of the public responses to the *Ayers* case involve the fiscal appropriations and proposed methods to achieve equality between what the state terms historically white institutions (HWIs) and HBCUs, there were also myriad responses to the various ways in which Judge Biggers's ruling changed state admissions standards and, consequently, access and remediation.<sup>6</sup> Biggers rejected the open admissions standards suggested by the plaintiffs and ordered all eight universities to adopt identical admissions standards that used indicators other than the ACT and completion of the college preparatory program. Biggers's final decisions were widely criticized by the black population, and plaintiffs in the case unsuccessfully attempted to have the Supreme Court block the enactment of the new standards.<sup>7</sup> Responses to the state's new admissions standards and the various settlement options being considered in relation to the case circulated through numerous public venues, including national and state media outlets.

These ordinary documents in the public discourse surrounding the *Ayers* case illustrate the inconsistencies involved in such policy initiatives. In “Unraveling at Both Ends,” an examination of policy statements and community responses regarding basic writing at the University of Washington, Gail Stygall argues that “legislators and educational policy makers in state governments treat university policy documents as just that—policy contracts. So when these documents contradict and undo other policy initiatives, such as diversity commitments, we must point to the contradictions and present counter arguments” (7). Like Stygall, I contend that much of the conflict seemingly intrinsic to basic writing programming, institutional discourse regarding first-year students, and community responses to perceived literacy crises can be addressed more effectively. Analysis of such ordinary discourse suggests that legal requirements to provide access to underprepared students may not lead to genuine access because the majority of the public thinks about these students via pre-framed, conservative conceptual metaphors that are limiting, rather than freeing, in nature.

In his 1998 dissertation, Kenneth Gilreath notes the significance of public interest in *Ayers v. Fordice*, which, he claims, “had become much more than an issue of education. To many citizens of Mississippi and other proponents of equal opportunity,” Gilreath goes on, “this case had the potential to decide whether black students, especially those who were products of an inferior elementary and secondary school system, would ever have an opportunity to attend any college or university.” Gilreath offers what he calls a “simple canvas of the courtroom” to support his claim for the broad interest in *Ayers*. In the courtroom, he notes, not only were there “educators and legal experts but patrons from numerous areas of the community.” Gilreath makes the following observations about these other patrons:

Two parents and their six children came because they were interested in the future of Mississippi’s treatment of its black residents. Also in attendance was an 80-year-old former teacher hoping for a change in the long lasting educational process. An elderly store owner whose eighth grade education was interrupted when white supremacists set fire to his schoolhouse, and a curious Senegalese anthropologist who specifically traveled to Mississippi in an attempt to understand Mississippi’s hypocrisy to American democracy. (237)

Gilreath’s observations of the *Ayers* courtroom provide insight into the ways that legislators, administrators, loan providers, and parents pay attention to political and legal happenings regarding the institutions in which they feel they hold intellectual, legal, and financial stakes. This interest ultimately leads to public demands concerning the role of the university and its students. Inevitably, such demands assist in the formulation of institutional policies that lead to students’ understanding and reliance on the same standards-based conceptual metaphors prevalent in the judicial documents and public discourse that dictate how we read this case and reason about

its consequences. These everyday documents complicate, create, sustain, and enact what become restrictive and problematic subject positions available to basic writers.

#### AYERS *v.* FORDICE, MORAL POLITICS, AND MEDIA DISCOURSE

According to Romy Clark and Roz Ivanič, public, written discourse about educational priorities, and media coverage of those priorities in particular, has the power to shape our culture. In *The Politics of Writing*, Clark and Ivanič argue that the writing practices of the mainstream press “play a major role in the construction and maintenance of dominant ideologies and the related socio-economic order that these sustain” (21). Relying on Antonio Gramsci’s concept of hegemony, Clark and Ivanič argue that the press is “crucial in constructing and maintaining consent around the interests, values, and actions of the dominant socio-economic group whose interests are more or less directly represented by the government,” and that the resulting public texts are “where meanings are transmitted by few and received by many” (23–25). According to Clark and Ivanič, the common belief that media “plays a purely reflective role” in society leads to the mistaken notions of an unbiased and free press corps. In fact, the coauthors assert, the media continues to “articulate themselves around definitions that generally favour the hegemony of the dominant class” (33). Although aspects of Clark and Ivanič’s arguments regarding the impact of the press are now dated, especially given the proliferation of blogs and the independent news outlets enabled by Internet access, their belief that the mainstream press reflects the values of the government, and therefore influences the tactics employed by local schools in the educating of children, is reflected in the press coverage of *Ayers v. Fordice*. An examination of that coverage suggests that the policies and standards of higher education are intimately connected to a governmental system whose rhetoric simultaneously invites and dismisses the educationally underprepared.

To consider the ways in which the public discourse of both the media and the citizens of Mississippi regarding the *Ayers* case shapes our understandings of underprepared students and the programs that serve them, I will examine a corpus of local news articles and archived letters from private citizens to Governor Kirk Fordice. My corpus includes 188 articles collected from the *Ayers* subject files at the Mississippi Department of Archives and History from 1987 to 1995, and fifteen letters archived in the files of Governor Kirk Fordice’s education advisor, Dr. Jeanne Forrester.

I will rely primarily on articles from the *Clarion-Ledger*, often considered the most reliable news source in Mississippi because of its physical proximity to the state legislature, in an effort to examine instances in which press coverage of the *Ayers* case not only limits the institutional narrative regarding basic writers via entrenched conceptual metaphors, but also limits the agency and actions of these students via

the linguistic patterns and rhetorical choices linked to specific political worldviews. Given the extended duration of the *Ayers* legal battle, it should not be surprising that there are hundreds of newspaper articles devoted to coverage of the case. In an effort to limit my examination of these articles to the texts that will be most valuable to our understanding of the subject space of basic writers, the majority of my analysis will concentrate on articles published in the *Clarion-Ledger* from 1994 to 1995.

I chose to limit my analysis to this particular time period because it was the most volatile concerning standards of admissions—the issue that most explicitly affects basic writers in the state of Mississippi. It was in May 1994 that *Ayers* returned to court after parties were unable to come to consensus on the US Supreme Court's findings regarding *de jure* segregation in the state's educational institutions. In March 1995, Judge Biggers issued the court's decree regarding the state's responsibilities to students interested in public higher education. The press coverage during this time emphasized the various plans of desegregation proposed by the plaintiffs and the Institutions of Higher Learning (IHL). The IHL proposed closing two of Mississippi's universities (Mississippi University for Women and Mississippi Valley State University), merging Alcorn State University with Delta State University (for a total of six public institutions of higher education), and raising admissions standards at each of the proposed institutions. The plaintiffs argued that such a plan was racist. According to the plaintiffs, historically black institutions are necessary for embracing black culture and enhancing the educational opportunities of students who, due to socioeconomic circumstances that bear on their preparation and secondary education, may not be accepted at other schools. The plaintiffs' plan involved continued support of all eight institutions, transferring the administration of various professional schools to the historically black institutions, lowering the admissions standards at the three HBCUs, and raising the admissions standards at the HWIs.

Because my research is geared toward basic writing programming associated with institutional access for minority students, I have chosen to exclude articles that focus on institutional closings and financial disagreements in order to examine articles that specifically address access, admissions standards, and educational parity. Therefore, of the sixty-plus articles addressing various aspects of the *Ayers* case published in the *Clarion-Ledger* from May 1994 to May 1995, I will examine the thirty articles that focus on the issue of admissions standards at Mississippi's universities. My readings of these documents reveal the power of the press in determining how institutions of higher education and the public label basic writers. By adhering to the culturally entrenched ideas surrounding law, race, and standards of education, the press effectively limits what is said and who is allowed to say it.

One need only look at the titles of the articles in the *Clarion-Ledger* to begin to understand the role the press plays in maintaining a hegemonic society. As mentioned previously, at this point in the *Ayers* trial there were two opposing plans for

desegregating the state's university system. The titles of the articles covering the state's proposals and witnesses are presented as statements of fact without qualifying clauses regarding who advocates these stances: "New Admissions Policies Urged in Ayers Trial"; "Standards for Admission Must Be Toughened"; "College Admissions Standards to Be Argued in Court"; "State Must Meet Challenge Offered by Ayers Decree." Without exception, however, articles addressing the concerns of the plaintiffs are qualified with a clause that identifies whose opinion is being discussed: "Ayers Plaintiff: 'Education is Our Way Out'"; "Racial Inequity Starts at Elementary Level, Ayers Witness Says"; "ACT Fosters Segregation, Ayers Witness Says"; "Tougher Standards Will Hurt Black Colleges, Biggers Told"; "Ayers Ruling Inconclusive, Say Black Critics."

These examples clearly illustrate one of the methods used by the press to differentiate more commonly accepted views from those of the plaintiffs. Articles emphasizing what are presumed to be the views of the white majority are titled based on ideological presuppositions. The reader sees only "Standards for Admission Must Be Toughened." It is presupposed that the majority of the readership will agree with the concept that standards are necessary for quality education. It is important to note that the reverse is not true. There are no articles titled "ACT Fosters Segregation"; instead, writers and editors strategically attribute such statements to the plaintiffs—black Mississippians. The *Clarion-Ledger* editorial staff aligns itself with the state of Mississippi by "tagging" statements and ideas that might be contrary to the beliefs of white, middle-class Mississippians through a discursive practice that clearly delineates between majority (conservative) and minority (liberal) views on education. Such a practice creates asymmetrical power relationships regarding the state's role in adjudicating these views. In addition, such rhetoric implies that only black students and colleges are concerned about not being able to meet standards.

I want to be cautious here, as I am cognizant of concerns that those of us vested in the study of basic writing often characterize basic writers based on what Ritter terms "alternate literacies" and "sociocultural markers." Ritter argues that it is dangerous to assume that "those students lacking access, those who are and have been excluded, are of one person-type, one generic group of 'basic' that keeps faculty, administrators, and the public from seeing other student groups who have also been marginalized through the gate keeping function of basic writing programs" ("Before" 13). Ritter's caution that educators must be aware of students who do not fit the stereotypes and labels associated with basic writers—labels that are often predicated on race and ethnicity and the varying discourse communities accompanying such categorical distinctions—must be heeded. However, we cannot escape the fact that public discourse surrounding basic writers often makes these associations. Though most academics understand the significantly diverse population that makes up "basic writers," the public at large—in part due to media discourse surrounding access initiatives—often

considers basic writers as students outside of the white, middle-class mainstream. For as Soliday points out, “despite the well-publicized literacy crisis at the most elite institutions, by the late 1980s, the decline in literacy skills and the consequent need for remedial writing instruction would become attached to students of color” (60).

Steve Lamos chronicles this public association of basic writing programs and students of color in his recent book *Interests and Opportunities*. Lamos promotes a race consciousness about our institutional rhetoric that candidly recognizes the relationship between underrepresented black students and institutional rhetoric that he characterizes as mainstream white due to its reliance on standards and a stated desire to maintain allegiance to Standard English. Lamos adopts critical race theorist Derrick Bell’s arguments regarding “interest convergence” and racial justice to illustrate how the power of white racism has been exercised subtly and explicitly in conjunction with high-risk programming in ways that ultimately undermine the goals of such programs. The rhetorical practices inherent in these *Clarion-Ledger* articles adhere to a conservative stance on standards in education—the same stance being advocated by the government. These examples illustrate the ways in which “efforts to promote racial justice within a given context are typically dictated less by those various groups whom they are ostensibly designed to serve and more by those who hold hegemonic racialized power” (Lamos 7).

Another example of similar conservative ideologies found in ordinary documents of the press involves references to the revised admissions standards proposed (and eventually enacted) by the state college board. The staff writers for the *Clarion-Ledger* consistently refer to the changed admissions standards as “tougher” or “challenging.” Representatives for the state describe the new standards in very positive terms, suggesting that revamped standards will improve quality of education for all Mississippi students. Standards are described by these witnesses as “extremely low,” “very modest,” and “raised slightly.”<sup>8</sup> Such descriptions attempt to undermine the plaintiffs’ complaints that the standards do not take into account the cultural significance involved in standardized testing. In addition, the state’s descriptions of the modified standards are often in response to the plaintiffs’ suggestions that the new standards are too difficult for many minority students to achieve, and therefore are not acceptable. In these examples, standards are defined in terms of what the state says they are *not*: for instance, “not elitist,” “not too difficult,” “not rigorous at all,” and “not too challenging.”<sup>9</sup> In one article, the lead attorney for the state claims that the plaintiffs are “proposing no standards at all,” and that their plan “would admit black students with a junior high reading level.”<sup>10</sup> These statements make it clear that the state is responding to an ongoing debate about standards in education.

These same standards are defined by the plaintiffs as “additional hurdles,” access being “reduced,” “not tolerable,” “discriminatory,” “illegal,” “punishing,” and capable of “eliminating access.”<sup>11</sup> Note the significant change in vocabulary. The state

describes the admissions standards using relatively passive adjectives that presume agreement on the part of the reader. The plaintiffs use adjective phrases associated with racism (discriminatory, illegal, punishing) and nominalizations that provide these standards with the potential for action. For black Mississippians, admissions standards are not impartial policies; rather, they are less-than-subtle means of further alienating minority students. This is not to suggest that black Mississippians advocate “lowering the bar” in education. Rather, they are arguing against the conservative notion of standards in which standards are absolute as opposed to cooperative.

In the epilogue to *Moral Politics*, aptly titled “Problems for Public Discourse,” George Lakoff asserts that a balanced (that is, politically neutral) discourse is impossible due to the media’s approaches to political discussions and the format of news reporting (385). Lakoff convincingly argues that language is never neutral, because it is always associated with a conceptual system. This means that “to use the language of a moral or political conceptual system is to use and to reinforce that conceptual system” (385). By reporting on the *Ayers* case using language associated with the conservative worldview regarding the role of standards in higher education, local news outlets reinforce that same conservative worldview. Such discourse illustrates the ways in which race-based educational reform is “not ultimately dictated by concern for racial justice, but instead by white mainstream concern for preserving status quo higher-educational practices” (Lamos 28).

It is also important to point out that the press determines who has the right to speak and who is excluded from this conversation regarding university admissions. As suggested by Clark and Ivanič, “vast numbers of people as individuals but, more importantly, powerless social groups are excluded from contributing to the collective store of knowledge, cultural and ideological activity, from the production and projection of ideas that fundamentally shape society” (55). The social group most affected by new admissions standards—minority students who are considered underprepared—does not have a voice in these articles. When black students are represented in these articles, it is through pictures of demonstrations and prayer vigils, not through words.<sup>12</sup> Clearly the press is capable of marginalizing the views of minorities interested in examining the discriminatory nature of education in Mississippi through strategic rhetorical moves that allow the press to seem fair-minded. Voiceless pictures serve to provide “balanced” coverage of the issues. Such rhetorical strategies create the subject positions available to basic writers by suggesting that the public at large views specific admissions standards merely as tough; those, however, who view these standards as unfair must be part of the minority. They must be black. More damning even are the voiceless pictures that accompany such rhetoric, for they suggest that these students are incapable of even expressing their concerns through the mainstream media outlets and must instead resort to protests and prayer.

These limiting subject positions assigned to minority students are evidenced further in correspondence between private citizens and the state government in response to news articles addressing *Ayers*. In *Lives on the Boundary*, Rose claims that “public discourse, heard frequently enough and over time, affects the way we think and lead our lives” (254). Examples of correspondence between citizens of Mississippi and the office of the governor affirm Rose’s assertion. Not only is standards-based discourse present in legal and media discussions, it is also threaded throughout ordinary documents such as letters and proposals from citizens of Mississippi, suggesting that public discourse has the power to discourage action on behalf of underrepresented student groups and further silence the voices of Mississippi’s black citizens.

#### ENACTING SUBJECT POSITIONS IN POLITICAL CORRESPONDENCE

Not surprisingly, the press coverage of the *Ayers* case during this time led to significant input from citizens of the state in the form of letters to the governor’s office. Some of these letters, along with the governor’s responses, were included in the files of Dr. Forrester, Governor Fordice’s education advisor.<sup>13</sup> I was able to locate fifteen letters written during the state’s negotiations on how to implement the US Supreme Court’s instructions to the state of Mississippi. These letters reinforce the ways in which both the powerful and the oppressed are limited by the subject positions that public discourse makes available to them. These archived letters become our first glimpse into how individual citizens respond to conceptual metaphors that help define underprepared students.

Of the fifteen letters in Forrester’s files, only two are written in support of the plaintiffs, and private citizens from Mississippi did not write these letters. One letter is from Janette Wilson, national executive director of Operation PUSH, Inc., requesting a status report and a meeting regarding the state’s HBCUs.<sup>14</sup> Wilson ends her letter from PUSH by stating the following:

We are certain that you realize the importance of education to the well being of any community. The elimination of black colleges will have a devastating impact on the deliverance of African Americans from economic stagnation, moral debility, and sectional isolation.

Certainly Wilson’s rhetoric is consistent with what some might term “rights rhetoric,” but I would argue that it is much more than that. Rather, the language of Wilson’s letter is predetermined by conceptual metaphors that structure the most basic ways of understanding the minority experience in our society—in fact, most racially charged rhetorics are responsive to conceptual metaphors that determine how we think about and discuss race. Wilson is not being dramatic in her choice of rhetoric; she is articulating her concerns about the impact of *Ayers* on HBCUs using metaphorical expressions that are culturally and cognitively entrenched.<sup>15</sup>

I am interested in Wilson's letter because it is one of the two letters included in Forrester's files that advocate on behalf of the plaintiffs, and also because it is the only letter that includes a direct response from Forrester. Every other letter contained in the files received a direct response from Governor Fordice. The majority of the letters from the governor were form letters clearly written to appease opponents of the *Ayers* case. The introduction of the governor's standard response letter to these inquiries begins this way:

I have read with much interest and appreciate your comments regarding the Ayers decision. The time has come to bow to the inevitable and integrate the IHL with minimal further outlay of fees and expenses. I intend to offer the leadership necessary to turn this into a positive step for Mississippi.<sup>16</sup>

One cannot help but be cognizant of the problematic undertones of this paragraph, as the governor seems to be empathizing with citizens concerned about the implications of *Ayers* in his race-inflected suggestion that integration is inevitable, something to which he (and his fellow, presumably white, Mississippians) must "bow." Just as interesting, however, is Fordice's claim regarding his leadership role. According to Fordice, he intends to offer the leadership necessary to transform this negative turn of events (the integration of higher education institutions) into a positive step for the state. He is positioning himself as an advocate for the people, an advocate with the power to make changes.

Governor Fordice's response to Wilson of PUSH, however, was to request that Forrester respond on his behalf. In her response to Wilson, Forrester introduces herself and states,

First of all, I would like to assure you that Governor Fordice is as concerned as anyone that actions and reactions to this case are not punitive in effect. He does, however, understand that significant changes are necessary. Our actions from this office have been in line with our role which is fairly passive in nature. The Governor has no real authority in governing colleges and universities. He has taken leadership in facilitating input from the lay population by creating a lay advisory panel. I am enclosing the panel's initial report. Additionally, we attend and monitor all meetings in regard to Ayers.

Forrester's defensive posturing with the opening clause of this paragraph is disconcerting, but her description of the leadership role of the governor's office is even more problematic given Fordice's platform of leadership when addressing white citizens. At issue is the fact that Governor Fordice claims to be a leader capable of promoting positive changes in education when communicating with white citizenry, but not when dealing with citizens concerned with the effects on black citizens.<sup>17</sup>

As I have already mentioned, only two of the letters included in Forrester's files were written in support of the plaintiffs. The remaining letters were inquiries about the governor's proposed lay council of citizens, and letters addressing individual

concerns over various possibilities being explored to meet the US Supreme Court's demands regarding desegregation. For example, Robin Price, a twenty-two-year-old citizen of Mississippi, writes to Fordice's chief of staff, Andy Taggart. Price expresses concerns raised by articles in the *Clarion-Ledger* reporting on the status of Jackson State University (JSU), the state's role in fulfilling obligations to HBCUs, and issues of admissions standards. Price writes,

*If we were to do as the Justice Department proposes this is what would happen next. Dr. Lyons would decide that the blacks are still being discriminated against and this time he is going to want more and more until there is nothing left to give. The next thing you know there will be no College Admissions Board. All you will have to do is just sign up for the college of your choice. It will not matter what your high school grades were or what you scored on the ACT or SATS [sic]. Now where will **that** leave our educational system? If we give Dr. Lyons and Jackson State University everything the Justice Department wants to, **what** will be the challenge of public education? There will no longer be any goals for our youth to achieve or any challenges to overcome. We **must** put a stop to this absurd proposal **now**; before it is too late for Mississippi's youth. (original emphasis)*

Price's letter presents interesting correlations between standards of education and the state's discussions of how to compensate Mississippi's HBCUs in a paltry attempt to address *de facto* discrimination. She equates "giving" funding and programs to JSU with a lowering of educational standards. Essentially, Price is suggesting that truly integrating the education system in a manner that redresses racial concerns will have long-term, negative effects on higher education in the state. Her second inquiry, "If we give Dr. Lyons and Jackson State University everything the Justice Department wants to, *what* will be the challenge of public education?" clearly establishes her stand. Price's adherence to the conservative metaphor for education contains racist dimensions, in part because her allusions to "giving" resources to HBCUs echoes an important conceptual metaphor: Racism as Environmental Disease.<sup>18</sup> Price's rhetoric suggests that black Mississippians are threatening and representative of disease. When an environment you care about—in this case, predominantly white educational institutions—is threatened with disease, you react. From Price's perspective, the idea of "giving" resources, of providing assistance, is not an appropriate reaction; building stronger fences, via academic standards, to ward off the threat of the disease is the most appropriate answer.

Another interesting document included in Forrester's files is a proposal letter submitted to Ray Cleere, commissioner of the Mississippi State IHL office, by J. P. "Jake" Mills, a member of the state IHL. The title page of the document is hand-marked as confidential, with copies being submitted to the governor and Forrester. In this letter, Mills argues that the current problems facing the state can be addressed by changing the state's funding formula. Mills claims that politically, it

would be almost impossible to close any of the HBCUs, and that by changing state appropriations to universities based on student needs (as opposed to institutional needs), weaker institutions would be forced to close. Mills's argument is clearly articulated using the conservative metaphor for education. He claims,

[A] change in governance and funding permits our university presidents to become full time administrators rather than part-time lobbyists [. . .] Students are considered and treated like customers, and the beneficiaries are students, legislators, university presidents (free to do what they do best) and the Mississippi taxpayer. Market forces would strengthen good programs and eliminate inefficient or unattended ones [. . .] Public education in general and higher education in particular has almost reached divine status (everybody has to have a college education) and like all idols that do not produce, they always call for more sacrifice. (More money and children on the altar) [. . .] The only solution to the aforementioned problems is one that has worked consistently throughout history—free people and free markets. Nothing in history has worked better than free people and free markets. (Mills 2–3)

Mills's proposal is sustained by conservative conceptual metaphors of education as a market-driven enterprise. His emphasis on financial markets, customers, beneficiaries, production, and efficiency accentuate clear notions of the business model of education. According to Mills, the solution to desegregating Mississippi's institutions of higher learning involves eliminating any sort of public funding that allows institutions that cannot support themselves to exist. By revising the funding formula, universities with the lowest enrollment and graduation rates will be forced to close, and no one will be able to claim that they were closed for racist reasons. Of course, the logic behind such changes can certainly be viewed as racist in its suggestions: Mills is assuming that the two most vulnerable institutions, Alcorn State and Mississippi Valley State, will be forced to close. Universities subsidize state funding with strong alumni bases. These two universities had the least number of graduates, and the degree programs offered were less likely to produce graduates in the top percentage of income brackets. Essentially, Mills is advocating that the state let these institutions die a "natural" death.

Another interesting aspect of Mills's letter is his emphasis on the divine. Mills's claims that "public education in general and higher education in particular has almost reached divine status (everybody has to have a college education) and like all idols that do not produce, they always call for more sacrifice. (More money and children on the altar)." By emphasizing the problems that result when higher education is deified, Mills reinforces his belief that the current funding system allows educational institutions to make financial and moral demands of citizens. In a true business model such as the one Mills is advocating, citizens in the form of students and parents are empowered to play this role. For Mills, and for many other conservatives, our country's meritocratic system pays too much homage to educa-

tion and not enough to hard work. To say that education has reached divine status is to claim that it is untouchable, in some cases unreachable, and, more important, all powerful. Mills is undermining the idea that education is part of the American Dream, claiming instead that it has become a false idol. When considered in context with his discussion of how to successfully eliminate black colleges, this insinuation is even more problematic. Mills's line of reasoning suggests that "good programs" will "produce" and therefore establish their right to existence. Black educational institutions, however, will prove to be false gods, calling for continued sacrifice, but not contributing to the public good.

Reading these letters written by citizens of the state of Mississippi provides further insight into the ways in which standards-based conceptual metaphors that affect our labeling of programs designed to serve basic writers are threaded throughout our everyday texts. In addition, these letters reinforce the notion that standards of education are intimately yoked with the homogenous ideologies of the state in problematic ways. For example, in an interesting letter from Hardy Lott, a law partner in Lott, Franklin, Fonda & Flanagan of Greenwood, Mississippi, there is a handwritten note to Forrester at the top of the letter that says, "Jeanne—This is cosmic—he read our minds. Please prepare a response for KF." The letter to which this note refers involves Lott's analysis and suggestions regarding *Ayers* after having read the Supreme Court's opinions. In this letter, Lott states,

The Court's opinion does not necessarily hurt us. It mentions a great many issues but does not mandate the way in which they should be decided but instead leaves the decision of them to the Circuit Court of Appeals and the District Court at Oxford to be decided by them after additional evidentiary hearings. As both of these Courts initially decided these issues in favor of Mississippi and as the Supreme Court has not mandated any particular finding by them, I see no reason to believe that their future decisions will be particularly harmful to us; and in fact there is a very good chance that they will be helpful.

Lott's analysis of the Supreme Court's ruling regarding *Ayers v. Fordice* leads him to the opinion that the court of appeals and district court are already in agreement with the state and therefore will not hand down rulings that are overly generous to the plaintiffs. More significant, he draws a parallel between himself (as a legal professional), the IHL, and the state of Mississippi. By referencing the interested parties as "us," Lott aligns the ambitions of these entities. This is to say, from his perspective, what benefits the state benefits education as a whole. Therefore, the conservative, dominant ideology of standards will prevail in the local courts.

The letters I have discussed provide historical, political, and material contexts that expose the culturally entrenched beliefs about minority students and students considered underprepared. They provide us with an understanding of the ways that institutional narratives of basic writing programming are influenced by everyday

public discourse. In addition, they reveal the ways in which standards-based discourse is co-opted and reframed in our everyday discourse. When viewed through a moral accounting metaphoric lens, education cannot uphold standards and nurture students simultaneously. It must do one or the other, and our culturally ingrained reasoning about education suggests that standards result in educational success. Consequently, these standards-based conceptual metaphors hinder effective institutional policies regarding basic writing programming.

#### AYERS AND THE SUMMER DEVELOPMENTAL PROGRAM

The socially determined meanings of standards-based discourse, in which student identities are appropriated and limited by commonplace documents in the press, the government, and responses by citizens, are reinforced in Mississippi's schools.<sup>19</sup> As mentioned previously, the most significant aspects of the new admissions standards concerning remedial programming stemming from *Ayers v. Fordice* are the Summer Developmental Program (SDP) and required remedial courses offered during the regular school year at each state university.<sup>20</sup> Based on the new admissions guidelines, students who are not eligible for regular admission have the opportunity (or are required, depending on your perspective) to participate in a spring placement process using an academic screening program designed by the IHL board. This screening program, the Mississippi College Placement Exam, is used to determine whether a student should be placed in the SDP or enrolled in the regular first-year curriculum with or without academic support.

Students who exit the SDP successfully are required to take intermediate courses in the subjects in which they are considered deficient as well as learning skills courses mandated by the IHL. From a distance, programs such as the SDP might be deemed encouraging. Often referred to as *bridge courses*, such programs appear to provide underprepared students with support and an alternative route to admission. In reality, this is a means of garnering additional tuition and funding through a program that is not officially linked to the academic learning outcomes of any of the disciplines it is meant to "bridge." Students who enroll in the SDP do receive additional access and remediation, but they are also ghettoized. They are isolated from the very academic endeavors they are attempting to reach. In addition, on successful completion of this program, students are still not accepted into the university. They are placed in yet another tier of remediation that may or may not be associated with academic units.

This obvious separation of programs designed to ensure access and success from those of academic departments (designed to uphold standards of education) sends a strong message to students: We want you, but not really. Clark and Ivanič cogently argue the following:

It is obvious that as the state provides education for its children, no state is going to want schools that subvert the purposes, values and ideals of that state. So, schooling can in that sense be seen as crucial in terms of reproducing the values and purposes and the socio-economic order of the hegemonic forces whose interests are maintained by political society. (45)

So if the law, the media, and the citizenry all reason about issues that affect the nation's educationally underprepared via standards-based discourse, and history shows us that conservative applications of notions surrounding standards eventually prevail, it should not be surprising that institutions run by the state also forward limiting and typically conflicting messages about these students. The goals of education systems in this sense involve replicating class structures already in place; if the state does not value the educationally underprepared, state-financed institutions will not be rewarded for doing so. This means that writing programs and classes designed for student demographics perceived to be on the borders of white middle-class America can be viewed as instruments of the state used to remind these students of their positions as "basic writers." The state of Mississippi has predetermined the futures of these students despite its legal calls for access, and we, as educators, must reflect on how to address this disturbing fact. We must liberate higher education from ingrained conceptual metaphors that ultimately prescribe a standards-based model of education that silences students who are fully capable of defining themselves.

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#### NOTES

1. *Ayers v. Fordice* was originally titled *Ayers v. Waller* (1975). The changes in governors led to changes in case name throughout the years: *Ayers v. Allain* (1987), *Ayers v. Maybus* (1991), *Ayers v. Fordice* (1992), *United States v. Fordice*, and *Ayers v. Musgrove* (1996). The majority of legal scholarship refers to the case overall as *Ayers v. Fordice* because that was the case name when the US Supreme Court heard it. Hence I will refer to the case as either *Ayers* or *Ayers v. Fordice*.

2. *En banc* is a French term used when referring to a legal case in which all judges of the court will hear the entire case, as opposed to a panel of the judges. US Supreme Court cases, for example, are always tried *en banc*.

3. *Certiorari* in our judicial system occurs when a higher court returns a case to a lower court to review the lower court's judgment for legal error.

4. *Ayers v. Fordice*, 90-1205, 90-6588 Supreme Court of the US (1992).

5. Considering the Supreme Court's guidelines, Biggers held that the following policies and practices were remnants of *de jure* segregation: undergraduate admissions policies and practices; the state-designated

nated missions of individual institutions; funding policies; participation in various athletic conferences; duplicative offerings between proximate institutions; operations of two racially identifiable land-grant institutions; and operation of eight universities, all of which were to some degree racially identifiable. Briefly stated, Biggers's response to these remaining elements of segregation involved the following: the adoption of system-wide admission standards, a required Summer Developmental Program as the primary remedial measure for students ineligible for traditional admission, suggestions for improvement of the state's HBCUs, a declaration of intent not to merge institutions at the present time, and the adoption of a monitoring committee for further review of state compliance.

6. The Supreme Court rightly claimed that it was reasonable to assume that the disparity in ACT admissions requirements between HWIs and HBCUs was the result of racism on the part of the HWIs. Historically speaking, most would agree that Mississippi's HWIs implemented higher standards of admissions as yet another means of racial discrimination. In addition, it is not difficult to surmise that via lower standards of admissions, HBCUs were ensuring access to a population of students that would otherwise have been denied that access. The plaintiffs, in theory at least, wanted black students to have access to any university of their choosing, and because statistically, black students tend to score lower on the ACT exam than white students, they wanted admissions requirements that reflected this fact and did not discriminate against black students. However, once this case reached the Supreme Court, the standard of law became racial identifiability. This resulted in the Supreme Court's opinion that varied admissions requirements led to the channeling of black students to black universities and hence additional racial inequalities. Therefore, Biggers's duty on remand was to determine how to implement equal standards of admissions—with no guidance from the Supreme Court on whether this meant raising or lowering standards.

7. According to the new admissions standards, students could be admitted to any Mississippi university by meeting any of the following criteria:

- Complete the College Preparatory Curriculum (CPC) with a minimum 3.2 high school grade point average (GPA) on the CPC; or
- Complete the College Preparatory Curriculum (CPC) with a minimum 2.50 high school GPA on the CPC or a class rank in the top 50%, and a score of 16 or higher on the ACT\* (Composite); or
- Complete the College Preparatory Curriculum (CPC) with a minimum 2.00 high school GPA on the CPC and a score of 18 or higher on the ACT\* (Composite); or
- Satisfy the NCAA standards for student athletes who are "full-qualifiers" under Division I guidelines.
- Students who do not meet the above criteria are nonetheless eligible for admission. Such students must participate, however, in an on-campus placement process at the university of their choice.

\* In lieu of ACT scores, students may submit equivalent SAT scores. (Board of Trustees)

These first three standards of admission are included in the original decree with discussions regarding student athletes and conditional admission in separate sections of the document. These standards have not been changed since 1995 and are listed as such on the IHL website (Board of Trustees).

8. See, respectively, Kanengiser, "20-Year-Old Desegregation Case Could Return to High Court"; Kanengiser, "Justice Department Expands Challenge of New Admission Standards"; and Kanengiser, "Ayers Judge Defends Higher College Admission Standards."

9. See, respectively, Kanengiser, "New Admissions Policies Urged in Ayers Trial"; Kanengiser, "Justice Department Expands Challenge of New Admission Standards"; and Kanengiser, "20-Year-Old Desegregation Case Could Return to High Court."

10. See Kanengiser, "Ayers Trial Rivals Take Offensive."

11. See, respectively, Kanengiser, "Tougher Standards Will Hurt Black Colleges, Biggers Told"; Kanengiser, "Supporters of Ayers Appeal Will Ask National NAACP for Help"; Kanengiser, "Ayers Plaintiff Says Appeal Is 'Necessary'"; Kanengiser, "ACT Fosters Segregation, Ayers Witness Says"; Kanengiser, "College Admission Standards to Be Argued in Court December 9th"; and Kanengiser, "Ayers Trial Rivals Take Offensive."

12. There are articles that quote students' concerns in my corpus; however, these representations of students' voices always concern the potential school closings, not the issue of academic standards.

13. Forrester's files are included in the state government collections and are housed at the Mississippi Department of Archives and History.

14. PUSH, Inc., is now the Rainbow PUSH Coalition headed by Rev. Jesse Jackson.

15. Another interesting aspect of these letters involves the state's responses. The response letter to PUSH was written by Forrester at the request of Governor Fordice. Forrester's response begins, "Governor Fordice forwarded your letter to me and asked that I respond. I am the Governor's executive advisor on education and have been responsible for tracking events concerning the Ayers case."

16. See Fordice, Letter to John R. Dunne; Fordice, Letter to Alice M. Farr; Fordice, Letter to Charles C. Jacobs, Jr.; and Fordice, Letter to Pat Smedley.

17. I should note that Fordice did respond to a letter from the US Department of Justice, Civil Rights Division, but I consider this to be different, given that the sender represented the US government. In addition, one of the state's attempts to address complaints that black citizens were not included in discussions regarding resolution of the *Ayers* case involved the creation of a twelve-member citizens' task force to complement the existing advisory panels appointed by Governor Fordice. According to *Clarion-Ledger* articles about this lay panel of citizens, the task force would be overseen by Forrester (Fordice's education advisor); Lieutenant Governor Eddie Briggs; and House Speaker Tim Ford. Critics argued that the panel was a smoke screen designed to "spare Fordice criticism in university fuss" (Kanengiser 1A). Supporters claimed the new group was needed to pull together citizens "who don't have a vested interest and don't have a political interest" (Kanengiser 1A) to help determine the appropriate direction for higher education in the state after the US Supreme Court ruled further actions were necessary in order to ensure the desegregation of state institutions of education. Correspondence regarding membership in this committee of citizenry provides additional examples of the ways in which conceptual metaphors trickle down to institutions of education via politics. I was able to locate eight letters from citizens interested in serving on the governor's lay council concerning the *Ayers* case in Forrester's files. These letters range from brief memos indicating interest, to cover letters detailing the interested party's qualifications, to handwritten letters. Interestingly enough, none of the letters included in Forrester's files is written by a black Mississippian.

18. Although a full examination of conceptual metaphor theory is beyond the scope of this essay, the initial research project from which this article derives explores numerous conceptual metaphors prevalent in the legal and public discourse surrounding this case.

19. See Clark and Ivanič's *The Politics of Writing* (1997).

20. These various rulings were incorporated into the IHL 2001 Ayers Settlement Agreement that outlined the fiscal aspects of the *Ayers* rulings. According to the settlement, each university is required to offer the SDP through 2010 (ten years after the settlement), and the state legislature is expected to provide special funding for student financial assistance to attend the SDP in the amounts of \$500,000 annually for FY2002–FY2006 and \$750,000 annually for five additional years (FY2007–FY2011). In addition, the opportunities for enrollment in the SDP are to be widely publicized in the state. This is especially significant, as this means that summer 2011 was the last summer when universities were *required* to offer the SDP. Our current provost claims that the SDP is essential and that the University of Southern Mississippi will continue to offer the program.

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